

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE BENN, :
Plaintiff, : 18 Civ. 722 (LGS)
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-against- : ORDER
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THE CITY OF NEW YORK, ET AL., :
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Defendants. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendants filed a motion for partial summary judgment (Dkt. No. 159);

WHEREAS, the exhibits to the Declaration of Christopher Arko (“Declaration”) in support of the motion failed to comply with this Court’s Individual Rules (Dkt. No. 160);

WHEREAS, by letter dated September 22, 2020, Defendants request to file under seal Exhibits I and J to the Declaration (Dkt. No. 163). It is hereby

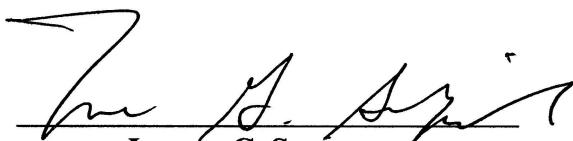
ORDERED that Defendants’ request to file under seal Exhibits I and J to the Declaration is GRANTED. Although “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history,” this right is not absolute, and courts “must balance competing considerations against” the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 599 (1978) (“[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”). The proposed sealed filings are narrowly tailored and necessary to prevent dissemination of prejudicial information. It is further

ORDERED that the Declaration is hereby stricken. Defendants may file more than 15 exhibits so long as the total number of pages does not exceed 225 pages. Defendants shall re-file

the Declaration, including the video statements in Exhibits I and J under seal, by **October 2, 2020**. Per Individual Rule III.B.3, for any hearing or deposition transcript submitted, Defendants shall provide the Court with an electronic, text-searchable courtesy copy of the entire proceeding, if such copy is available, unless doing so would be unduly burdensome.

The Clerk of Court is respectfully directed to strike Dkt. No. 160 and close Dkt. No. 163.

Dated: September 23, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE